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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

First named inventor: Peter Lea FEB 12 2004

Application No.: 09/866,305 OFFICE OF PETITIONS Art Unit: 1641

Filed: May 25, 2001 Examiner: Kartic Padmanabhan

Title: Assay Devices Attorney's Ref.: 874-35/AMK

SENT BY COURIER

Attention: Office of Petitions
Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petition**
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202
U.S.A.

Dear Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee:

[X] Small entity - fee \$665.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

[] Other than small entity - fee \$ (37 CFR 1.17(m))

09/866,305 09/866,305 665.00 07

2. Reply and/or fee:

A. A reply and/or fee to the above-noted Office Action in the form of a Response (identify type of reply):

[] has been filed previously on _____.

[X] is enclosed herewith.

B. The issue fee of \$ _____

[] has been paid previously on _____.

[] is enclosed herewith.

3. Terminal disclaimer with disclaimer fee:

[X] Since this utility/patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

[] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

09/02/04
Date)

Adrian M. Kaplan
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Registration No. 43396

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c/o Dimock Stratton Clarizio LLP
20 Queen Street West, Suite 3202, Box 102
Toronto, Ontario
Canada M5H 3R3

Enclosures: [X] Fee Payment
[X] Reply
[] Terminal Disclaimer Form
[X] Verified Declaration containing statements establishing unintentional delay
[X] Other: Revocation and Appointment of Attorney

AMK:lf



5 DAG\$

DIMOCK STRATTON CLARIZIO LLP

Barristers and Solicitors • Patent and Trade-mark Agents



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FEB 12 2004

OFFICE OF PETITIONS

ADRIAN M. KAPLAN

Ext. 313

akaplan@dimock.com

SENT BY COURIER

February 9, 2004

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petition**
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202
U.S.A.

Attention: Office of Petitions

Dear Sir:

Re: United States Patent Application No. 09/866,305

Title: ASSAY DEVICES

Applicant: Peter Lea et al.

Our File: 874-35/AMK

We enclose herewith a check in the amount of \$665.00 in payment of the Petition fee, a Petition for Revival of an Application for Patent Abandoned Unintentionally, a Revocation and Appointment of Agent form, a Verified Declaration, and a Response to the Office Action dated September 20, 2002.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the enclosed fees to our Deposit Account No. 500663. A signed copy of this letter is enclosed for this purpose.

Yours very truly,

DIMOCK STRATTON CLARIZIO LLP

ADRIAN M. KAPLAN

(Regn. No. 43396)

AMK:lf

Encls. signed copy of this letter

check

Petition for Revival of an Application for Patent Abandoned Unintentionally

Revocation and Appointment of Agent form

Verified Declaration

Response to Office Action dated Sept. 20/2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application No. 09/866,305

Group Art Unit: 1641

Applicant: Peter Lea et al.

Examiner: Kartic Padmanabhan

Filing Date: May 25, 2001

Attorney's Ref.: 874-35/AMK

Title: ASSAY DEVICES

VIA COURIER

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petitions**
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202
U.S.A.

Dear Sir:

VERIFIED DECLARATION

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such wilful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares:

1. That the entire delay in the failure to respond to the Office Action dated September 20, 2002 as set out in the accompanying Petition for Revival was unintentional.
2. That all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Executed at Toronto, Ontario, Canada on February 6, 2004.

UMEDIK INC.

Per: 

Name: Claude Ricks

Title: President/COO

AMK:lf